

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TAYLOR COLEMAN,

Plaintiff,

v.

SERGEANT HEIDER, et al,

Defendants.

Case No. 1:22-CV-31

MEMORANDUM ORDER

This action was received by the Clerk of Court on January 28, 2022. It was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff, acting pro se, initiated this action arising out of his treatment at the hands of correctional officers at SCI Albion. Plaintiff claims that his constitutional rights were violated by Defendants.

Defendants filed a motion for summary judgment and Plaintiff opposed the motion. ECF No. 39; ECF No. 46. On February 6, 2024, Magistrate Judge Lanzillo issued an amended Report and Recommendation¹ recommending that Defendants' motion be granted. ECF No. 51. Despite being given the opportunity to do so, no party has filed Objections to the Report and Recommendation.


¹ A Report and Recommendation issued on November 17, 2023 was later vacated by Judge Lanzillo. See ECF No. 47; ECF No. 50.

After *de novo* review² of the Complaint and documents in the case, together with the amended Report and Recommendation, the following order is entered:

AND NOW, this 27th day of February 2024,

IT IS ORDERED that the motion for summary judgment filed by Defendants [ECF No. 39] is granted. Judgment will be granted in favor of Defendants and against Plaintiff. The Clerk is directed to close this case.

AND, IT IS FURTHER ORDERED that the amended report and recommendation of Chief Magistrate Judge Lanzillo, issued on February 6, 2024 [ECF No. 51] is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

² “If a party objects timely to a magistrate judge's report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).